

REMARKS

Claims 1 – 10 and 12 - 30 are pending. Claim 11 has been cancelled. Claims 1, 2, 3, 4, 5, 8, 9, 12 – 14, 18, 19, 21, 22, and 25 - 30 have been amended. Claims 26 – 30 have been added. No new matter has been added. Reexamination and reconsideration of the claims are respectfully requested.

In the September 22, 2005 Office Action, the Examiner rejected claims 1 – 4 and 18 – 21 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,629,318 to Radha et al. ("the Radha reference"). The Examiner rejected claims 5 – 14 and 22 – 25 under 35 U.S.C. § 103(a) in view of U.S. Patent No. 5,767,895 to Yashiro et al. ("the Yashiro reference") and U.S. Published Patent Application No. 20020120727 to Curley et al. ("the Curley reference"). The Examiner rejected claims 15 – 17 under 35 U.S.C. § 103(a) as being unpatentable over the Radha reference in view of the Yashiro reference and the Curley reference in U.S. Patent No. 6,097,699 to Chen et al. ("the Chen reference"). These rejections are respectfully traversed in so far as they are applicable to the presently pending claims.

Claim 1, as amended, distinguishes over the cited reference. Claim 1, as amended, recites:

A method comprising:

transmitting a data stream of data packets having a known arrangement from a stream sender to a stream receiver via a network connection;

**storing the data stream of data packets into both an original data buffer and a rendered data buffer;**

analyzing the transmitted data packets received at the stream receiver and stored in the original data buffer to determine whether any missing known data packets in the known data packet arrangement were not received by the stream receiver;

requesting the stream sender to retransmit any missing known data packets not received at the stream receiver; and

retransmitting any missing known data packets from the stream sender to the stream receiver.

The Radha reference does not have disclose, teach, or suggest the method of claim 1, as amended. The Examiner states that the stream of data packets is stored on a buffer that is split into two sections: 1) a re-transmission region or original data buffer and 2) a too-early for re-transmission request region or rendered data buffer. The Examiner states that the re-transmission region of the buffer recreates the data packets from the stream sender by integrating the missing known data packets from the retransmission into the data packets stored within the buffer. (*Office Action, page 3*).

Specifically, the Radha reference discloses an ITD buffer 132 (which the Examiner is stating is the buffer that is split into two sections). The ITD buffer 132 requires the capability of outputting one temporal segment worth of data at the beginning of each temporal time-interval  $n$ , detecting lost packets and transmitting requests to the transmitter for lost packets, continuously storing newly arrived primary packets, and storing re-transmitted packets. (*Radha, col. 7, lines 33 – 40*). The ITD buffer advances the content of all temporal storage segments by one segment toward the buffer output and repeats this process every  $T$  units of time. The ITD buffer 132 considers data missing in temporal segment  $N_R$  of the re-transmission buffer region as lost and when ideal ITD buffer 132 determines that data is missing, it sends a re-transmission request to the video transmitter. The ideal ITD buffer 132 places arriving re-transmitted data into their corresponding temporal segments of the re-transmission regions. After the re-transmitted data are received, the ideal ITD buffer 132 transfers the re-transmitted data to the video decoder prior to the decoding times. (*Radha, col.*

10, lines 19 – 54).

This is not the same as a method including transmitting a data stream of data packets having a known arrangement from a stream sender to a stream receiver via a network connection and **storing the data stream of data packets into both an original data buffer and a rendered data buffer**. The Radha reference is disclosing only that the ideal ITD buffer includes two sections, but there is no disclosure that when the data stream of data packets is received, the Radha reference stores the data packets into two buffers. In contrast, the Radha reference discloses that the data stream of data packets is stored in the ITD buffer and that it is moved to a decoding buffer. The Radha reference also discloses that missing data packets are placed into the data stream into the corresponding temporal segments of the re-transmission region, but this is describing that as the data moves through the ITD buffer to a decoding buffer, the re-transmitted data is placed into the appropriate segment. There is no disclosure in the Radha reference that the incoming data stream **is stored into two buffers (the original data buffer and the rendered data buffer)**, as is recited in claim 1, as amended. Accordingly, applicant respectfully submits that claim 1, as amended, distinguishes over the Radha reference.

The Yashiro reference does not make up for the deficiencies of the Radha reference. The Examiner states that the Yashiro reference discloses comparing data received with data stored at the receiver in order to obtain an error rate statistic (which the Examiner states is the same as the “perceived quality of streaming data score”). (*Yashiro*, col. 8, lines 29 – 59). The Yashiro reference discloses that a center periodically monitors and evaluates the quality of transmission frequency band and

inhibits the use of the noisy frequency band for the communication. The quality of the communication frequency band is checked by notifying the non-used terminal that the quality check is started, and then sends the data for the quality check via the normal communication frequency band subjected to the quality check. The terminal has stored in advance the data for the quality check. After the terminal has received the data for the quality check, the terminal compares the transmitted data with the stored data, calculates the error rate statistically, and detects the frequency band that have insufficient quality. (*Yashiro, col. 8, lines 29 – 59*). This is not the same as a method including transmitting a data stream of data packets having a known arrangement from a stream sender to a stream receiver via a network connection and **storing the data stream of data packets into both an original data buffer and a rendered data buffer**. The Yashiro reference does not disclose that a received data stream is stored in two buffers, **the original data buffer and the rendered data buffer**, as is recited in claim 1, because it only discloses that received data is compared with stored data and there is no disclosure in the Yashiro reference that data is received and stored in two buffers. Accordingly, claim 1, as amended, distinguishes over the Yashiro / Radha combination.

The Curley reference does not make up for the deficiencies of the Yashiro / Radha combination. The Examiner utilizes the Curley reference to disclose that third parties offer monitoring services to monitor and report the performance of the network. (*Office Action, page 5*). Assuming, *arguendo*, that the Curley reference discloses all that the Examiner states that it does, the Curley reference does not disclose a method including transmitting a data stream of data packets having a known arrangement from

a stream sender to a stream receiver via a network connection and **storing the data stream of data packets into both an original data buffer and a rendered data buffer**, as is recited in claim 1, as amended. Applicant respectfully submits that claim 1, as amended, distinguishes over the Curley / Radha / Yashiro combination.

Independent claims 18 and 26 recite limitations similar to claim 1, as amended. Accordingly, applicants respectfully submit that independent claims 9 and 26 distinguish over the Radha / Yashiro / Curley combination for reasons similar to those discussed above in regard to claim 1, as amended.

Dependent claims 2 – 8, 19 - 25, and 27 – 30 depend, indirectly or directly, on independent claims 1, 9, and 26. Accordingly, applicant respectfully submits that claims 2 – 8, 19 - 25, and 27 – 30 distinguish over the Radha / Yashiro / Curley combination for reasons similar to those discussed above in regard to claim 1, as amended.

Claim 9, as amended, recites similar limitations to claim 1, as amended. Accordingly, applicant distinguishes over the Radha / Yashiro / Curley combination for reasons similar to those discussed above in regard to claim 1, as amended.

The Chen reference does not make up for the deficiencies of the Radha / Yashiro / Curley references. The Examiner utilizes the Chen reference to disclose the generating of a quality service measurement for a network. Assuming, *arguendo*, that the Chen reference discloses all that the Examiner states that it does, the Chen reference does not disclose a method including transmitting a data stream of data packets having a known arrangement from a stream sender to a stream receiver via a network connection and **storing the data stream of data packets into both an**

**original data buffer and a rendered data buffer.** Accordingly, applicants respectfully submit that claim 9, as amended, distinguishes over the Chen / Radha / Yashiro / Curley combination.

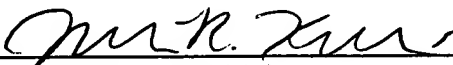
Claims 10 – 17, depend, indirectly or directly, on claim 9, as amended. Accordingly, claims 10 – 17 distinguish over the Chen / Radha / Yashiro / Curley combination for the same reasons as those disclosed above in regard to claim 9, as amended.

The Applicant believes that the foregoing amendments place the application in condition for allowance, and a favorable action is respectfully requested. If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call either of the undersigned attorneys at the Los Angeles telephone number (213) 488-7100 should the examiner believe that such a telephone conference would advance prosecution of the application.

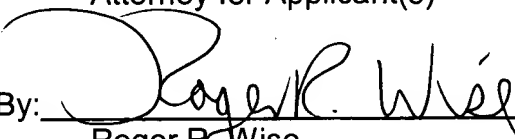
Respectfully submitted,

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